## FLEMING TRIAL DRAGS.

ILLNESS AND DEATH CAUSED A POSTPONEMENT YESTERDAY.

One Jurer's Wife Is Ill; the Brother of Another Is Bend-Hotel Clerk Anderson Tells About Mrs. Fleming's Board Bill-He Angers the Lawyers on Both Sides The fourth week in the Fleming murder trial began yesterday morning in a manner which

promised notable progress, and, indeed, some was made, but the session ended with the noon recess, owing to painful communications which Assistant District Attorney McIntyre made to the Court. Mr. Molntyre announced that John Buchtel, juror number four in the case, had received news of the sudden death of a brother, and Richard M. Montgomery, juror number six, an account of whose carriage accident was reported in THE SUN yesterday morning, had just received news from his wife's physician that Mrs. Montgomery, who was with her husband in the accident, and was severely injured, was in a critical condition, and that her injuries might result fatally. Upon this information Recorder Goff said that he could not do otherwise than postpone further hearing of the case until this morning.

There was another circumstance which would probably have placed the prosecution in a position where little or no progress could have been made in the afternoon session had there been one. The morning session brought the narrative of evidence in the case to the point where next in logical order the story of Acting Police inspector McCullagh should have been placed before the jury. Mr. McCullagh was sworn as a witness before recess, but before his examination began it was stated that he had been as signed to the command of a detachment of police in the afternoon parade, and the assignment being official he would be obliged to obey it, the exigencies of the trial to the contrary notwithstanding.

The morning's sole witness was Charles A Anderson, manager for McKeever Brothers proprietors of the Colonial Hotel, wherein dwelt, at the time of the death of Mrs. Bliss the defendant and her stepfather, Henry H. Bliss, divorced husband of the deceased. A curious condition of affairs developed in the course of Mr. Anderson's examination. Although he was called by the defence, his demeanor and answers to questions seemed so plainly to characterize him as "an adverse" witness that Mr. McIntyre asked of the Court the exercise of discretionary power to put leading questions to the witness on the ground that he is an adverse witness. Nevertheless, when he was turned over to Mr. Brooke for cross-examination and that lawyer began in the manner of an attorney examining his own witness, Mr. Anderson's answers were so unsatisfactory that Mr. Brooke's demeanor soon changed, and he, too, conducted his examination as if he considered the witness "ad-

HITCHES, STOPS, MISCASTS, MISPIRES, AND MIS-STEPS.

The hitches and stops, the miscasts, misfires, and missteps which drove to the verge of distraction all who were obliged to follow Mr. Anderson's examination were by no means owing to his "demeanor and answers." They were owing in an equal, if not greater, extent to the original, and, it is to be hoped, unique methods of examination pursued by Mr. Miller, the District Attorney's "transfer clerk," who for some reason not palpably apparent has had much to do with the conduct of the case for the prosecution. Mr. Milier's methods of progression, which are all his own, unless, indeed, they be shared by the toothsome crab, have carried this case along at the beginning of the court week to the point where attorneys who are satisfied to follow the accepted manner of procedure are accustomed to bring a case in the first half day of its trial.

The witness, manager of the Colonial Hotel on Eighth avenue corner 125th street, testified that Mrs. Fleming took up her residence in that hotel on June 6, 1895, occupying, with her three children, rooms 71 and 73. She left there on Sept. 3 of that year. Her trunks and other personal belongings were removed by order of the witness to the hotel store room, where they remained until Oct. 3, when they were delivered to Acting Inspector McCullagh.

Mr. Miller, in conducting the examination, held a paper containing a list of the personal effects of the defendant. This writing was in the form of a memorandum, signed by the witness, attesting thereby to the correctness of the schedule of effects removed by Mr. McCullagh. In Mr. Miller's mind that list was a receipt, and it is here mentioned merely as an aid to those who profit or entertain themselves by a study of unusual mentalities, that it took the combined, and at all times friendly but earnest efforts of the Court, the witness, and even Mr. conviction that a paper given by one who delivers goods to the person to whom the goods are delivered is a receipt. Handing to the witness the paper in question, Mr. Miller asked;

WEIRD AND WEARTING QUESTIONS. O .- Is the receipt now held by you and signed

by you a receipt given by you for the effects taken by Inspector McCullagh? A .- No. Q .- You gave him the receipt? A .- No. Q .- Does not the receipt contain a list of the

defendant's effects? Mr. Brooke-I object. Whatever the nature of the paper is it is its own best evidence as to

of the paper is it is its own test evidence as to its contents.

The Court—The objection is sustained.

Mr. Miller looked surprised, but continued;
Q.—You made the list? A.—No.
Q.—Ah, you saw the list made? A.—No.
Q.—Ah, you delivered the effects to the Inspector? A.—No.
Q.—Ah, you saw him take them? A.—No.
Q.—Ah, you gave him an order for the effects?
A.—No.

A.—No.

Q.—Ah, but you gave this receipt to the Inspector for the effects? A.—No.

By this time, for some reason, nearly every one in the court room, except Mr. Miller, was laughing. Mr. Brooke, in his kindlest manner, arose and said: "I beg most humbly to suggest to counsel that this witness would not be likely to give a receipt to the Inspector for goods which the Inspector took from him (the witness)."

witness."

Mr. Miller looked amazed.
The Court—I am sure I do not know what this paper is, but it is manifest that it is not a receipt. If counsel will refer to it only as "this paper," it will perhaps be more satisfactory.
It would be tiresome to follow this particular line of examination further. Mr. McIntyre and Mr. O'Sullivan were dumb, but the Court and Mr. Brooke continued their good offices with assiduity and painstaking patience and restraint of temper and phenomenal hopefulness until their combined efforts guided and aided Mr. Miller into the legal channel whence flowed the unruffled stream whereon, without objection unruffled atream whereon, without objection from Mr. Brooke, "this paper" flowed softly on to the records and thence to the jury. MR. MILLER'S "COURSE OF PROCEDURE."

It proved to be a list of trunks and boxes, not highly exciting in itself when at last read, but potent, mayhap, in future testimony of the most thrilling nature. Mr. Miller's methods—and it would not, of course, be worth speaking of expotent, mayhap, in future testimony of the most thrilling nature. Mr. Miller's methods—and it would not, of course, be worth speaking of except that in this trial he is put forth as the representative of the great office of the District Attorney of the city and county of New York—are complicated somewhat by his nice derangement of epitabhs. If he wishes to ask the manager of a hotel what is the custom of the hotel waiters as to the signing of meal checks he phrases it. "What is the course of procedure?" When he asks of a witness, and especially of one whose understanding of English is confined to casy words of one syllable, and is inquiring about something which occurred after something else, the familiar "after" is represented in his question by "subsequently thereto." The food sent to Mrs. Fleming's room Mr. Miller spoke of as "provisions," although it was not in evidence that Mrs. Fleming is an expert with the chading dish. Witness Anderson certainly was not an eagerly willing witness, and this and Mr. Miller's "course of procedure" resulted in so little progress that Mr. Mcintyre, when the list in been read, a ose, "and subsequently thereto," said: "I do not wish to reflect on the witness, but I request that Mr. Miller be permitted to ask a few leading questions, basing my request on the assumption that this is an adverse witness."

AN IMPORTANT LINE OF TESTIMONY. The Court—That remains to be judged from his demeanor and answers.
Q.—Did you see this defendant on the evening of Aug. 30, 1895? (The evening that Mrs. Bliss died). A.—I did.
Q.—Where? A.—In the hotel.
Q.—Did you talk with her? A.—I did.
Q.—Whet did you say to her and she to you?

died. A.-1 did.
Q.-Where? A.-In the hotel.
Q.-Did you talk with her? A.-I did.
Q.-Did you talk with her? A.-I did.
Q.-What did you say to her and she to you?
A.-I mentioned that Mrs. King had been around to the hotel inquiring for her littlegirl. She the defendant; said that Mrs. King's little girl was not there, but was around at her mothers.
That was the most important line of testions that has been given since the trial began. not there, but was around at her mother's.

That was the most important line of testimony that has been given since the trini began.
The presecution have claimed that the detend-And a little girl was accompanied by Gracie and a little girl was accompanied by Gracie King on the errand of delivering to Mrs. Blass the pitcher of chowder sent by Mrs. Fleming.

It will be seen that there is a little ambiguity in the answer. The words "her mother," as they appear in the answer of the witness, might with equal authority be held to mean Mrs. King or Mrs. Bliss, according to whether the "her" is under special by the defendant or the little King girl. Mr. Miller did not think the ambiguity of aufficient importance to call for a single question further on the subject, and Mr. Brooke at that time was saying nothing so industriously that it was a sight to behold. Next the witness was asked concerning the meal checks signed by the defendant, and it was established in evidence that the police authorities on Sept. 2 obtained possession of a large numof those checks. Mr. Brooke managed to prevent the people from showing the dates of the checks.

MRS. VLENING'S BOARD BILL. Q.—Were any sums of money owing to you or the Colonial Hotel by this defendant when she

Q.—Were any sums of money owing to you or
the Colonial Hotel by this defendant when she
left? A.—No.
Q.—Were any sums of money owing to you by
any one on account of the rooms occupied by
Mrs. Fleming "hen she left? A.—Yes.

Mr. Brooke fought this line of questions with
signs of returning vigor. Mr. Mcintyre answered him. He said that it was highly relevant to the case, as it related directly to the
motive of the crime charge to show that Mrs.
Fleming, or whoever was responsible for her
indebtedness to the hotel, owel the hotel money
at the time of the death of Mrs. Bliss. "If we
can show that this defendant owed sums of
money to many creditors, and that creditors
were hounding her at the time, and that she
told them that she would soon be in funds and
would pay them; and if we show that at this
time, when she was so impecunious, the death
of her mother, with which we charge her, resulted in her coming into possession of a large
sum of money, and that one of the creditors
was paid with a part of that money even within
a few days; that through the defendant's counsei the claim of this witness has been settled,
will Mr. Brooke so held, and argued accordingly.

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will Mr. Brooke hold that these things are not relevant?

Mr. Brooke so held, and argued accordingly, He was overruled by the Court, and then said that he wanted to state his grounds of objection. Recorder Goff replied that Mr. Brooke had already stated the three legal grounds, and that it was not always necessary to accompany an objection with a speech. Mr. Brooke seemed to think whether it was necessary or not that it was expedient, and he made his speech.

It was next learned from the witness that somebody owed \$104 for the rooms occupied by Mrs. Fleming when she left them. Mr. Miler asked if that account had been recently paid. Mr. Brooke objected again. This certainly was an event too long after the act to prove the motive, but Mr. Mcintyre argued successfully that the act of payment by the defendant soon after sie came into possession, from the City Chamberlain, of a portion of the fund becoming due to her upon the death of her mother was intimately related with the theory of motive set up by the people. While Mr. Mcintyre was talking the arm of his chair with his hand, when sudenly Mr. Mcintyre fired at the witness hotly: "Don't argue with me, sir."

Mr. Brooke was overruled.

Q.—Was it paid? A.—I don't know.

Q.-Was it paid? A.-I don't know. Mr. McIntyre-Oh, press him and make him wer. - When did you receive the check? A.-Last All when did you receive the check? A.—Last Friday morning.

Q.—To whose order was it made? (Objection sustained.) What did you do with it? A.—I sent it to McKeever Brothers (owners of the hotel).

DR. PARKHURST DROPS IN.

At this point Dr. Parkhurst was conducted to the bench, and during the remainder of the session sat by the Recorder's side, most of the time in close conversation with Mr. Goff. The witness identified a number of the lotel restaurant checks as those he had turned over to the police. Q.—Does your hotel have a bill of fare every day? A.—Yes.

Q.—And had one on the 30th of August, 1895? A.—Well, we don't date our bills of fare.

At this answer the usually placid Mr. McIntyre completely lost his temper. He addressed the Recorder in a rage and demanded that the Court instruct the witness not to qualify his answers or volunteer testimony. Mr. Brocke took up the cross-examination as one who dwelleth in meckness at all times.

Q.—Mr. Bliss also resided at the Colonial? A.—Yes. DR. PARK HURST DROPS IN.

Q.—Mr. Bliss also restave...

Yes.
Q.—You did not enter into an account with

Q.—You did not chier this defendant? A.—No. Q.—With whom was the account kept to which her room and meals were charged? A.—H. H. her room and meals were charged? A.—H. H. You were never at any time a creditor of

Q.—You were never at any time a creditor of Mrs. Fieming? A.—No. Q.—Mr. Bliss paul her bills? A.—Yes. Q.—And you never demanded a settlement from Mrs. Fleming? A.—No. Q.—You knew Mrs. Bliss? A.—Yes. Q.—Where? A.—When she came to the hotel to visit Mrs. Fleming. Q.—Was that trequently? A.—Yes. Q.—Did you converse with Mrs. Bliss about Mrs. Fleming? A.—No. Q.—Did you see them together much? No. MR. BROOKE'S TEMPER BUFFLID.

MR. BROOKE'S TEMPER REFFLIID.

Mr. Brooke began to look now as if he, too, had met an adverse witness, and his mantle of meekness slipped several hooks and eyes at the

throat.

Q.—Had you an opportunity of judging whether they were affectionate? A.—No.

Q.—(The mantle fell off.) Did you see them dine or sup together? A.—No.

Q. (Mantle kicked under the desk.)—Well, sir, you knew that they did, didn't you? A.—1 heards. you knew that they did, did by heard so.

Q.-Did you see Mrs. Fleming on Saturday,
Aug. 31? A.-Yes.
Q.-Where? A.-Coming down the hotel stairs,
Q.-Before she heard of her mother's death?

A.—After. Q.—What was her appearance and manner? (Objection sustained.) Was she weeping? (No answer.)
Q. (Wiping feet on mantle.)—Did her face appear mournful? (No answer.)
Q.—What did you say to her? A.—I extended my sympathies.
Q.—What did she say? A. Oh, she mumbled something. (Mantle ground to a fine pow-

Q.—What did she say? A. Oh, she mumbled something. (Mentle ground to a fine now-der and disappears through an open window.)
Q.—When did you next see her? A.—Going into the dining room.
Q.—Who with? A.—Detectives Sawyer and Moore.
Q.—She was in custody? A.—Yes.
Q.—How many children had she with her at the hotel? A.—Three

Mr. Brooke next examined as to the personal knowledge of the witness concerning the contents of the trunks and baxes token have by the police and which contained links. Finning's personal effects. Witness admitted that he knew nothing about them personally, but had been quite willing to accept Acting Inspector McCullagh's statement as to their contents. Things were going along too quietly to be entirely interesting to Mr. Brooke, and he seen had a nice, comforting, all-dround row on hand, the started to ask a long question based upon the register of the colonial Hote, which in the asking alone would prove that the rooms occupied for three months by the defendant were occupied in the previous month, by a dozen different persons, any of whom might have left, well, say a package of arsenic in the rooms.

PERSEVERANCE WINS A POINT, Mr. McIntyre objected in the middle of the question, and the Recorder promptly sustained the objection. Then Mr. Brooke said: "With all due respect to your honor, ido not this one rule should apply to the prosecution and another to the defence. You permit private counsel to ask a question of this character; that is, you permit the whole cuestion to be asked before you rule it out."

The question by Mr. O'Sullivan to Witness Bullman concerning the daying designation of

Builman concerning the dying declaration of Mrs. Bliss was the one referred to.

Recorder toof responded: "You have made that remark twice now, Mr. Brooke; I wish you would not repeat it."

Mr. Brooke: I have streat provocation,

The Recorder: I forbid you to repeat the remark.

Mr. Brooke (hotly But you allow private Mr. Brooke (hoty)—itst you allow private counsel.

The Recorder (interrupting)—The question asked by Mr. O'Sullivan to which you don't less allude was not objected to until its conclusion. The question you are endeavoring to ask was objected to by Mr. McIntyre as soon as he discovered its incompetency. I sustained his objection as soon as it was made, remember that I sustained yours also as soon as it was made.

that I sustained yours also as soon as it was made.

Then a curious result followed. Mr. Brooke, by sheer force of dogged persistency, not only succeeded in asking the full question, but got an answer on the record from the witness. The evidence itself seemed of smail importance to the lay mind, as did the evidence which followed, that the basement wherein Mrs. Fleming's trunks were kept was accessible to a dozen employees of the hotel, any one of whom, as Mr. Brooke plainly intimated, might have filled all of Mrs. Fleming's trunks and toxes to the bursting point with packages of arsent, so that Inspector McCullagh should not be disappointed in his search for such packages.

Mr. McIntyre announced that the prosecution would have some further direct examination of the witness, but asked Mr. Brooke's consent for the temporary withdrawal of Anderson in order the temporary withdrawal of Anderson in order that Mr. McCullagh might be examined. As told above, Mr. McCullagh was only sworn.

CAN A DEAD MAN BE DIVORCEDY Actor Gilbert E. R. Mouiton Died Before

the Decree He Got Could Be Entered. Gilbert E. R. Moulton, an actor, brought an action against his wife, Marion Eva Moulton, in the Supreme Court in this sity, for an absolute divorce upon the statutory grounds. While Mr. Moulton, some two weeks ago, was playing in Chicago, he was attacked by beain

playing in Chicago, he was attacked by brain fever, and on the singe he halted, stammered, and lost his lines. He was advised to return to his home in this city, which he did.

His counsel, James F. Pendelston, immediately made an application to Justice Smyth to have his client's case advanced upon the calendar, and forms immediate trial. The my pileation was granted, and the case was tried on Friday hast. The Justice spraed the decree, but the hour being after I websit, and the County Clerk sollie closing at a Mr. Pendelston could not enter the judgment, nor could he on the following day, Saturday, which was a legal heililay. On Saturday merring Mr. Moultes dies. The american which have distorted the legal trajeraty is whether a judgment can be missisful dissolving a marriage after the death of the plaintin. Mr. Pendleton this is can be missisful.

BURGLAR OR LUNATIC? The weather-beaten old ship's figure head

SCUITLE OF A DWELLING.

YOUNG GAILLARD BREAKS IN THE

Got on the Roof from Another House Ho Had Entered with a Paise Key Made by Himself-Armed with a Revolver and a Dagger-His Friends Say He's Insane,

What was apparently a bungling attempt at burglary was committed early resterday by Edwin White Gaillard, the 23-year-old son of a wealthy widow living at 200 West Eightyeighth street. The young man is an oarsman of some merit, and belongs to the Atalanta Boat Club. He won his juntor single medal in the Middle States regatta on the Harlem River last year. He has had some newspaper experience, and his people say has always nursed some pet fad. One of his fads was to associate with the Chinese and patronize their restaurants. It is hinted that he contracted one of their habits that has to do with opium.

Recently he made a rope ladder, using an excellent quality of sash cord, and hought a dagger, keen and of good steel, protected by an expensive bronze sheath. He added a revolver and a set of well-made keys to this collection. Ite made them himself, it is believed.

His relatives thought he went to bed at the usual time Sunday night. Instead he collected his tools and weapons and went out to make a record as a burglar. He expected to make it so quictly that he would have to tell all about it the next day. He intended to tell it to Mr. Roosevelf, he says, just to convince him how easy it is to "burgle" and how sleepy his best policemen are.

He did not go far from home-only to the next block. There are five-story flats in the neignborhood, and he found his way into the neignborhood, and he found his way into the basement of 182 West Eighty-eighth street. One of his keys litted the basement door.

He ascended to the roof without arousing any one, and, with the aid of his rooe ladder, which he fastened on a chimnoy, descended to the roof of 178. While he was choosing a house to attack he picked up a hatchet, and it proved useful. There was a space between some of the houses he crossed, so he ripped boards off a water tank to make a bridge across the opening.

At 110 West Eighty-eighth street is a three-story and basement house, occupied by the At 110 West Fighty eighth street is a three-story and basement house, occurried by the families of F. B. Howells and John H. Winters. The young burglar walked about the interven-ing roofs trying to find an open scuttle until he awoke a dozen people, who wondered if the rats in the neighborhood had suddenly acquired weight.

awoke a dozen people, who wondered if the rats in the neighborhood had suddenly acquired weight.

When he reached No. 110 he pried open the scuttle with his hatchet. The noise he made awoke every one in the house, He started down the halder, pistol in hand, and was confronted by Messrs, Howells and Winters. They had not waited to dress completely when they met the young burglar.

"What do you want?" they asked.

"Go away, please, else I shall certainly be obliged to shoot," said young Gaillard in the midest of volces.

The householders saw a glint of light on the pistol barrel in the youth's hand, and they rushed for the street and shouled "Police!"

Pohceman William F. Sullivan of the West 100th street police station hurried up to learn the cause of the uproar. The people who had been awakened by Gaillard's tramping ever the roofs told him the cause, and Messrs. Howells and Winters told him the whereabouts of the burglar when last seen.

Sullivan grasped his night stekk, drew his pistol, and started for the roof. He found Gaillard waiting for matters to quiet down in the house, so that he could continue his expedition.

"Don't shoot; I'll surrender," said the ama-

in the house, so that he could control
expedition,
"Don't shoot; I'll surrender," said the amateur burglar, when he saw the official blue
and the brass buttons, backed up by night
stick and revolver.

The policeman on searching him for more
weapons tound the knife and keys.
"Well, you're a dandy," he said, and the
youth looked pleased under the bicycle cap he
were. Wore.

"How did you get hers?" Sullivan asked, and the youth told him. This led to a climb to the roof and the recovery of the rope ladder.

"Now come along," said Policeman Sullivan, when he was ready to start for the station.

"Where" gasped the captive.

"Why, to the solice station, of course," said the policeman.

"Where," gasped the captive.

"Why, to the bolice station, of course, "said the policeman.

"Oh, come now, you don't mean to arrest me. That is carrying the joke too far, don't you know. I have done nothing; besides, my friends will never get over the disgrace if they think I've been locked my, said the prisener.

"You haven't done anything but burglary and your friends will have trouble keeping you, from doing time. I'm thinking, "retorted the policeman, and he marched the prisener to the station. There the prisoner gave his name but refused his address.

"I don't want my folks to know anything about it, you know," he explained. "It was just a bit of work I felt I ought to do. Nothing criminal, you understand. I just wanted to break into a house or two, and I should have told Mr. Rossevelt all about it myself in the needing," he added. Later on his address was learned and his people were notified. His mother was nearly crazed by the news. His two brothers hurrled ground and verified the report, but could offer no explanation of the youth's performance, in fact could scarcely credit the story. youth's performance, in fact come scarces, credit the story.

His many acquaintances say the youth must have been crazy. He was taken down town yesterday by the police and photographed for the logues timilers.

The police consider the capture an important one, but have thus far not connected the prisoner with any like escapados. The prisoner's friends look upon the adventure as a constant of the prisoner's friends look upon the adventure as a

ry freak, millard was employed in a surgical instrucontains was employed in a surgical instru-ment house in Indianapolis, and returned house about a week ago to attend the regatts on the Harlem River on Decoration Day. He sheat the entire day on the river rowing his friends about to various points of vantage. His club friends believe his brain was affected by the heat and exertion.

JEFFERSON ANSWERS QUESTIONS. Members of the Brookiya Barnard Cinb Interrogate Him About the Brama.

By invitation of the Brooklyn Barnard Club, tions at. The occasion was a reception given by the club to Jefferson at the house of Mrs. William S. Packer, 2 Grace court, and after Jefferson had given a short talk on the drama, the members proceeded to question him on arious topics related to the stage. This is not a new game to the veteran actor. There forwed on the English drama and stage than he is, and he enjoyed answering the many queries as much as the members enjoyed putting them.

A wide range of subjects was covered. One

curries as much as the members enjoyed purting them.

A wide range of subjects was covered. One
question which called forth outle a it the speech
was this: Has the drama improved or deteriorated during the time that you have been
on the stage. It are pense to this, Mr. Jefferson said that there was a constant progress in
the drama, though at times it seemed by faller.
In his opinion, the Puritans were justified in
torbidding theatrical entertainments, because
the stage as they had known it when they left
Lagiand was vicious and degraded.
But this was only for a short time. Higher
standards asserted themselves, and the English drama became great again. In the drama
of to-day there were many disappointing symmtems, the steaker thought, but these were
translent. With the public rested the fate of
the drama. A question as to David Garrick's
rightful place as an actor was the occasion of
a delightful five minute sketch of that quant
stage character. There were tragedians in
Garrick's time, Mr. Jefferson said, as great or
greater than Garrick, but none other so versaille. Moreover, he was what his rivals were
not, a deep scholar. To the quescion as to why
Itin Van Winkle's dog, who is "Wolf" in the
book, was made "Schneider" in the play, Mr.
Jefferson said:

"I don't know. I tried him as 'Wolf' once
on the stage, and it almost created a panic."

When the questioning was over, Mrs. Frederick P. Bellamy, on behalf of the club, presented a huge binch of American Beauty
roses to Mr. Jefferson. He drove away with
the roses beside him in the cale, and searcy
of apilans and salutes of waving handlerchiefs
from the club members, who gathered in the
grounds outside the house to bid him farewell.

INDEPENDENCE OF TEXAS.

INDEPENDENCE OF TEXAS.

LIFE TOPICS ABOUT TOWN.

fashloned to resemble the late President Ar-STOKES'S WIFE SAYS HE IS GETTING thur, which a SUN artist found in a ship wright's shop in the Eric Basin several days ago, is only one of the lesser curios of that in-teresting hospital for ships. Away down at the very end of the trestlework, at the Eric Basin, in a little house built by himself out of an old canal best and a pilot nouse of a steamer, there lives an old man who supports himself and his family by making marine plethree that find a ready market among the sultors. He was a safter himself once, and he says that his lack of education prevented him from rising above the work of an obje-lodied seaman. He paints his marines in oils, and very creditable pictures they are. The ratters of his little home are lang with canvases, on which are represented sloops, three maybers, yields of all descriptions, and a number of sea views. He is faithful to detail, and not a rope nor a bit of righting is missing or out of place. Many of the boats that put in at the Eric Basin have their cabins decorated with this old artist's work. Another of the interesting things to be found at the Eric Basin is a house so built that at high tide it is aurrounded by water. The owner keeps pigs, and he isn't bothered by the fear that they will escape and land in the pound. At low bide it is possible to reach this little house without wetting one's teet by walkington the tops of a line of old piles that were originally sunk for another purpose. Sunday is always a liney day around the Eric Basin, and the safters and shippailders who have around the boats thed up there spin yarns for the ide that are not to be found in any collection of sea tales, and wouldn't warrant belief if they were. It's a very salty piace. tures that find a ready market among the sail-

It's a very salty piace. Dr. O'Sullivan's frequent tilts with his ormer law partner, Mr. Brooke, are very flerce and lend spectacular interest to the trial of Mrs. Fleming for murder, because both men are free with their arms when aroused. The spec tators are deceived and imagine each time that these opposing lawyers talk it out that the climax will be a personal encounter. Of course much of it is merely clever by-play for effect on the jury or as a reward to the patient listeners who fill the court room day after day, and it is who fill the court room day after day, and it is asserted by men who know that the relations between these one-time partners are not even strained. Dr. O'Sullivan has been sparred to lively retorts in previous poisoning cases, but he is a novice in the art that Mr. Brooke has practised these many years, and as an alterdinner speaker he is a disappointment. Mr. Brooke was one of the original members of Philadelphia's professionally funny club, known as the Clover, and his tu quoque retorts in that organization were enjoyed immensely by his fellow members. The Clover Club came to New York for a dinner shortly after Dr. O'Sullivan had attracted attention to himself in the Carlyle Harris case, and Mr. Broose took him to it. The Philadelphians had read about Dr. O'Sullivan, and they waited impatiently to hear him make a speech. He was easied unon in due time, and the Clover men were so interested in watching him that they forgot to guy him, as is their custom whenever a guest has the floor. The result was dismal. Dr. O'Sullivan found no inspiration in his audience, and he had nothing in particular to say to them. He wabbled around in his choice of words and sentiments like a schoolbey, and Mr. Brooke leaned back in his chair and enloyed his partners embarrassment. Had some one accused him by a gentle Clover Club roasting he night have said semething amusting. As it was he didn't. asserted by men who know that the relations

There were the same solid lines of patrolmen the police parade this year that gave the spectators a feeling of security two years ago, but the change in the officers who led them was noticeable. Hyrnes, the best-known poiceman that New York has ever had, was nissing, and so was his right-hand man, Inmissing, and so was his faint-hand man, Inspector McLaughlin. Inspector Wiltiams, the big man who distinct the attention with Byrnes, and Inspector McAvoy were not in line. Of the old Capathia who steepedaloing in time two years ago, Sievin, Warts, and Murphy are dead, and Belly, Benghold, O'conner, Gallagher, Ryan, Washburn, and Heoler, all men whose faces were well known to the spectators, have been retired. Eakins, Strauss, Indicaty, and Stevenson have been dropped from the Police Department.

The statement of the assets and liabilities of the firm of Abbey, Schoeffel & Grau will probady be prepared by the end of this week; but there are other things connected with the assignment of the firm which are discussed with much more interest than the accounts, and the present gossip about the assignment is conerned almost entirely with one particular phase making an assignment at the time they did is sharps have been unable to explain, and the situation succeeding the assignment has had situation succeeding the assignment has had only the effect of deepening their confusion on the subject. There is apparently no lack of funds to carry on the current business of the managers, and the artists in their companies have most of them received thoir salaries in full. No reflect comes to the veration of the cestions in the slape of pressing creations or occident that had to be met, and the only concluded in the rimor arrives at is that the firm might apparently have theel over the present seems of vacation quite as well as that in former years. It is the allowed in the business could have arrested to the affairs of the others in such as was hat failure would such assessing the leavest as a succession of the collects in such as a failure would the testiness. Stokes explained that Sheriff the business. Stokes explained that Sheriff the others in such as a failure would such as the property of the such as a succession of the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others in such as a such as the collects of the others of the other the business could have arreared to the affairs of the others in such a way that failure wound have been impossible. Most of the thearrical news comes from one or two mets up towin, who are willing to discuss at great length and apparently with the greatest Juliess of information any matter which happens to come up. When the parties immediately concerned refuse to talk, resort is had a suce to one of these authorities, and then no end of information is forthcoming. But the present interest in the immediate cause of Aliley, schoolfel & Gran's asseignment is more widespread than in any other feature of the falliane, and goestic will not be quested until some explanation is forthcoming. The most curious phase of the stration is that none of the authorities on such matters has a hypothesis to other.

The suddenness with which Fifth avenue is Joseph Jefferson stood un yesterday afternoon deserted on Sandays in spring is always more as a target for the club members to fire quescention to the rule. About four weeks ago the tling, crowded Sunday morning aspect to the desolate loneliness of a country road. The great majority of the bearle who were to be seen there on Sunday are still in the city, and the attendance at the churches does not decline so suddenly and serious.v. But by some tacit so surdenly and serious. It it by some there understanding congregations homeward bound freep off Fifth avenue, after It has been decided that the time for agreeming there has past, flow this serious on a training to unanimously and simulation only a market past as the serious surface of the serious of the serious surface of a few weeksnewn receipe to give the function something like a fashionable surface of a few, well-known receipe to give the function something like a fashionable surface of a few, well-known receipe to give the function something like a fashionable surface of a few, well-known receipe to give the function something like a fashionable surface of a few well-known receipe to give the function something like a fashionable surface of a few well-known receipe to give the function something like a fashionable surface of a few well-known receipe to give the function something like a fashionable surface of a first surface of a few section of a season is fairly understanding congregations homeward bound

Now that the roof garden season is fairly opened, the people who attend there resorts will have an opportunity of witnessing the anomaly which is every summer one of their characteristics. They must succeed from a business point of view, for they are resumed year after year, and every new music hall is suppiled with this sort of annex. The warm nights of summer usually find the pince INDEPENDENCE OF TEXAS.

The Original Declaration Pound in the Archives of the State Department.

Washington, June 1.—The curious fact has been brought to light that the State Department that in its possession the original of the Declaration of Independence adopted by the Congress of Texas when that State was part of Mexico State of State Original of the Occurrence of the performance of the Occurrence of t crowded, and apparently audiences would not go

TAILORING IN DER CHAIL.

RICH AT DAMSEN'S. Cenches Young Women Dress Fitting and Advertises in Ludlow Street Also Sits Into a Stiff Poker Came and Wins-Won't Pay Allmony; Wants to Get Out. "Let out a little on der bust measure and trim off sometings from der lower bodice cloth," was heard in Damsenian accents in Luciow street jall vesterday afternoon in a tone which bespoke a desire to get through the business quickly. The jail in the past month has become a sort of modiste's headquarters, and it may be that the great sheriff himself was giving some Dutch points on the proper fitting of the young There was no particular reason for Damson hurrying the business through, except that about the time this incident was occurring at

the jail a motion was on before Justice Beach of the Supreme Court in which Alfred G. Stokes was seeking to get released from the same jail to which he had been sent, a month ago for not paying alimony and counsel fees in an action brought against him by his wife, Marion Ethel Stokes. Stokes is a bustling little Englishman, very snave and insinuating, who has been all over the capitals and large cities of the world establishing dressmaking establishments and teaching countless young women the art of dress cutting. His wife says that he went to fail swearing that no matter what it might otherwise cost him he would not pay alimony. When he struck the jail, firm in this intention, it is said that his first remark after a casual survey of the interior was: "What a bloomink clever place for business,

don't you know!" "Oh! Yah! Yah!" voiced the Dutch cohort as they sized up his swell clothes and suffed

ees from afar. It may never be known how things were worked and just what means were used to con-vince Sheriff Damsen that the jail was "the bloomink clever place" described. In the sworn affidavit in which Mrs. Stokes opposes the motion for his release she gives this considerate view of the matter:

"That the defendant gave deponent the impression that, in view of the escapes from the Sherid's custody, the Sheriff was doing all he could to placate the prisoners so that they could amuse themselves in business or gambling and so would prefer to remain in jail to escaping, of which they seemed to think they had the choice. At any rate, very shortly after the entrance of Stokes beautiful business cards and printed stationery showing the jail partnership in busistationery showing the jail partnership in business were issued, and Mrs. Stokes uses original copies of these things in her motion papers. She says that Stokes told her when she called that he was so busy he could hardly speak to her. He said he was making about \$100 a week from his business, and was also having great lick at cards. He told her that he had never played cards before he went to jail, as she knew, but he said that he had caught right on to poker and euchre, and that in the stiff games in the jail he was making money.

The business cards, which, he explained, were distributed by a by in the streets, and a copy of which she presents in opposition to the motion, run as follows:

Messes, A. G. WILLIAMS & STOKES, Ladies' Tallors and Dresmakers, Horli Ladion, 70 Ladios Street, New York, (Suite 76) let on parie Francaise. New York, Nime, 19, Josept, Managerets.

The other stationery of the concern, which is of a high character in the art, also bears much the same legend. The Williams of the firm was in jail on account of some trouble about a bicycle. Mme. De Jence is not known to Mrs.

bicycle. Mme. De Jence is not known to Mrs. Stokes.

Mrs. Stokes says that she has called at the jail several times with a view of getting all mony since Stokes was taken there by order of Justice Smyth on April 30 last. On these visits, she says, he has given her the details of the number of pupils he has taught and the dress and pattern cutting he has attended to. She gives these details for such weeks as he gave them to her lit her papers in the case. She declares that he shook large rolls of money under her nose in the fail to show how the money was coming in. He explained that although there is nominally but one table it, the jail and there are no star bearders, it still costs a man with money a great deal to get what he wants, as he has to each out for everything he desires and has to pay weil for the privilege. Stokes told her that his daily expenses were from \$10 to \$12 a day.

a day.
She says that she could not get a dollar from him, and that one day he offered to take a pecing off one of his rolls of bills, saying to her that he wished she would use the money to send

about that he was able to do his dress cutting and fitting in the jail, and fit was thought wise to let prisoners have the large shears used in the business. Stokes explained that Sheriff lamsen had passed while he was using the large shears and had thereupon promnigated a rine that only small shears were to be used thereafter in the conduct of the business. Stokes said he had since induged in this respect the whim of the Sheriff.

Stokes who moves for his release through Lawyer A. D. Pape, save that he can't pay up and offers to assign to his wifee mortgage for \$1.200 on some furniture in Brooklyn. She refuses the offer, as the mortgager makes affidavit that the mortgage was given to help stokes out in some business arrangement which the mortgage never fully understood, and that he has no intention of paying the mortgage.

Mis. Stokes says that as much for Stokes's own interst as for her own she opposes his release. He ought to have charted about \$1,000, as he says, in the five weeks or so be has been in jail, and it is all broft, as he has no rent coal, or gas bills to pay. He told her that he had had to cut the rates a little because his leadquarters was in Jail, so that he goes only \$20, instead of his former figures of \$25, for teaching each girl his patentiel system of dress cutting. But with all that, his, wife says, he can'do a much his former figures of \$25, for teaching each grains pairnted system of dress cutting. But with all that, his wife says, he can do a much more profitable business in Jail than out of it. She says that he ought certainly to be able to pay her the alimony if he is only left in Jail long enough. She declares that when he gets out he will away to merry England.

At the request of coursel for Stokes the case went over to Thursday.

SAYS HE'S BYRNES'S FRIEND. Thomas Marphy Declares the Police Per-secute Him on that Account.

A grand round-up of alleged pickpockets and other crooks was ordered by Capt, O'Brien for last Friday in order that as many as possible of the professionals might be put in fall over Decoration Day. As there was little evidence against most of the men arrested, they were turned loose again yesterday morning at the request of the police who made the arrests. lietween thirty and forty of these suspects. were discharged by Magistrate Simms in Jefferson Market Court.
One of the prisoners was Thomas Murphy.

He was represented in court by Lawyer Joseph Moss of Howe & Hummel's office. Lawyer Moss of Howe & Hummel's office, Lawyer Moss said:

"This man was convicted of a crime for which he had the pencity and ever since he has led an inright life. He is a man of protectly worth from \$15,000 to \$20,000, at least, and does not need to stend for his living. He has been a bookmaker, and for many years has frequented the Morris Park race trace. He was never molested there would recently, when the police warned him to stay away from the track or he would be a rooted. All he asks is to be let alone. He is acquainted with many prominent men in lown, and has long been a friend of exsuperintendent hyrnes, but that is no reason why he chould be persecuted as he is being persecuted now." reuted now."
Laywer Moss several times repeated the as-erfun that Murphy was bounded by the Cen-ral Odice men because he was a friend of ex-

al colice men because he was a rriend to vehicle Byrnes.
Murchly was arrested by Detective Wood in Friday hight in front of the Sturtevant Iouse, where he was taking with a number of sporting men. The succite charge against itim was that of stealing a pocketbook from a Hobeken woman some time ago. The woman was in court vestering morning. She was taken before the line of prisoners by one of the policemen, who pointed Murphy out and spired.

Sale of Ladies' Muslin Underwear.

Cambric Drawers. (with hamburg edging and tucks), 35 cts.

Cambric Gowns, strimmed with embroiders). 50c., 98c. & \$1.25.

Cambric Skirts. (umbrella shape - ruffle of embroidery), oSc. & \$1.25.

tumbrella shape-trimmed with torchen edge and insertion or deep ruffle of line embroidery).

\$1.95, value \$3.00. Silk Skirts, (striped taffeta - umbreils shape - deep cord and dust ruffle),

\$4.75, value \$8.76. (taffeta in dresden effects—umbrella shape—deep cord an i dust ruffle). \$7.75, value \$12.50.

Lord & Taylor,
Broadway & 20th St.

STRONG FLUNKED A KISS. Bride He Had Just Made Raised Her Vell

Mayor Strong missed a chance to kiss a very pretty young woman in his office vesterday. She was Miss Alwina Heine of 307 East 105th street or rather she was Mrs. Leritz, for the

Mayor had just married her to Julien Lerits of Astoria, L. I.

As the Mayor congratulated the bride she raised her veil for a kiss, but the Mayor flunked, tien. Collis, who was present, took the Mayor to task for his bashfulness, and better things may be expected if the Public Works Commissioner ever becomes Mayor.

MRS. WINKEMEIER'S ALIMONY CUT. It Is Heduced from \$3,000 to \$2,400 by

Justice Gaynor. Justice Gaynor of the Supreme Court in Brooklyn has reduced the alimony which Candy Manufacturer Christian F. Winkemeler is to pay his divorced wife, Maud W. Winkemeler, pay his giverced wife, Maud W. Winkemeler, from \$3,000 to \$2,400 a year. He found that Mr. Winkemeler's means were not so large as had been estimated, and also took into consideration the fact that he has to support the three children by his first wife. This is the first piece of luck Mr. Winkemeler has had in his litigation with his wife.

MARINE INTELLIGENCE.

Sun rises .... 4 50 | Sun sets .... 7 20 | Moon rises 12 02 RIGH WATER-THIS DAY. Sandy Hook 12 46 , Gov. Island. | 11 | Hell Gate . 8 00

Arrived-Monnay, June 1. Arrived—MONDAY, June Sa Nomadic, Clarke, Liverpool.
Sa Adrondack, Sansom, Greytown, Se Finance Duly, Colon.
Sa Merican, Wallace, Liverpool.
Sa Orizata, Downs, Havana.
Sa Capae, Sproul, Junin.
Sa Sansa, Linchausen, Port Limon.
Sa Gustan, Sansa, Linchausen, Port Limon.
Sa Outam, Foren, Haverin.
Sa Outam, Pousen, Hatterdam.
Sa Outam, Pousen, Hatterdam.
Sa W. Clyce, McKee, Jacksonville,
Sa Hunefelds, Massaco, Hattimore.
Sa Guyandotte, Walker, Norfolk. (For later arrivals see First Page.)

ABBIVED OUT. Sa Mannheim, from New York, at Cuvhaven, Sa La Normandie, from New York, at Havre, Sa El Sol, from New York at New Orleans, Sa Hio Grande, from New York, at Brunswick, Sa Hio Grande, from New York, at Guebec, Sa Henry L. Gaw, from New York, at Haltimore,

Fair Isle

5s Phosphor, from New York for Hamburg, passed
bunnet Head.

6s Phospus, from Mediterranean ports for New York, he Floqua, from Mediterranean ports for New York, passed Golfrattar. he Poutlac, from Falerino for New York, passed Gibraitar. Se Sorento, from New York for Hamburg, passed Dover. Sat siedonia, from Napues for New York, passed Gioraltar. SAILED PROM PORRIOR PORTS.

Se Braunschweig, from Naples for New York, he Saale, from Southampton for New York. Se Empress of Japan from Yokohama for Vancou-er. Se Noordand, from Antwerp for New York. EALLED FROM INDUSTRIC PORTS.

E S. Old Dominton, from Richmond for New York. OUTGOING STEAMSHIPS. Sail Today.

Matte Cluss, 0 No A. M. Sail To horrow. | SAIR TO-BOTTOMS | St. Louis, Southampton. | 7,00 A. M. |
Majortic, Hverbook	7,00 A. M.
Majortic, Hverbook	7,00 A. M.
Westernham, Antwerp	10,00 A. M.
Crasses, Heissyra	1,00 A. M.
Antwerp	1,00 A. M.
Cremain	17,00 A. M.
Gremain	17,00 A. M.
Sama, Port Limon	10,00 A. M.

Bremen
Liverpool
Gibrattar
Amsterdam
Bremen
Hull
New Orleans
Free Priday, June 5.
Southam uton St. Paul Southampton . Hamburg Autwerp Dumlee Shields Due Saturday, June ! La Touraine Havre Liverpool La Guayra Swansea Llandaff City. Pur Sunday, June 7. Gibraitar.... Fermuda

Business Botiers. Mrs. Winstow's bootsing Syrup for children betteng, softens the gams, reduces inflammation allays pain, cures wind colle, diarriera. 25c, a bottle

MARRIED.

RICHARDS FISHER, in Philadelphia, Mon day, June 1, at the residence of her brother, Whit-ton Evens, by the Lev. Charles A. Dicker, h. D., Marte Elliott Phin vio Advant Orgond Richards. HIARP HOTELNS, viu Mondo, June 1, 1800. at the Church of St. Mary the Virgin, by the Rev. Thomas Mokee Brown, Dora A Hopkins of At-lanta, etc., to William Willoughly Sharp of New

A orka

DIED. BUTLER. On Sunday, May 3). Arthur Gitlender,

139 West 93d st., on Tuesday, June 2, at 8 P. M. Interment at Woodlawn.

DORERTY, -On Monday, June 1. Mary Ann Kelly, beloved wife of John C. Doherty; aged 47 years 9 months and 11 days. Funeral Wednesday at 9 o'clock from her late resi-dence, 325 West 48d st. Interment in Calvary

DUNN,-On Monday, June I, Patrick J. Dunn, aged 55 years. Funeral from his late residence, 703 5th av., on Wednesday morning, June 3, at 10 o'clock, thence to the Church of the Holy Cross, West and st. near sth av., where a selemn requiem mass will be of-fered. Interment in Calvary Cemetery.

HAGEDORN. Suddenly. J. Harold Hagedorn, youngest son of Catherine T. and the late Henry R. Hagedorn. Notice of funeral hereafter.

LONERGAN,-On Monday, June 1, at her home, irvington-on-the-Hudson, Margaret, the beloved wife of William R. Lonergan, aged 37 years. Funeral to start from the house at 9:30 A. M., to Funeral to start from the house at 9/30 A. M., to the Chirch of the Immaculate Conception, Irring-ton, where a solemn requiem mass will be offered. for the revose of her soul; thence to it, Joseph's Cemetery, Hastings-on-the-Hudson. Friends and relatives are respectfully invited to attend.

FAPPEN,-On Monday, June 1, Abraham B. Tappen, aged 73 years. Relatives and friends are invited to attend funeral services at his late residence, Fordham, Wednes-day, June 3, at 4 o'clock. Train teaves Grand Con-tral Depot, Harlem R. R., at 2 00 P. M.

WARD.-At Hackensack, on June 1, 1896, Robert C. A. Ward, in his vath year. C. A. Ward, in his bath year.
Funeral from his late residence on Wednesday,
June 3, at 3.30 o'cleck.

Special Notices.

PREPARE TO EXCLUDE THE FLIPS, Largest elock in the world of screens, acress vire, screen doors, and fixtures. BUBBLE & \$122 Fulton st. N.Y.: 14th st. and Hamilton av., Brook yn. Cus-tom screens made to order in any wood. HUSBAND'S CALCINED MAGNESIA.

our first-premium medais awarded; more agreeable o the taste and smaller dose than other Nagnesia. other sale only in bottles with registered trade mark abel.

COUGHS AND COLDS are dangerous introd-ers. Expe them with FARKER'S GINGER TONIQ PARKER'S HAIR BALEVE aids the hair growth.

Beligious Notices.

NEW YORK STATE SUNDAY SCHOOL CONVENTION. June 2, 3, and 4, Broadway Taberino'e, 34th st. and Broadway. First session Tuesday, June 2, 3 o'clock.

Bew Butlications.

## ROBERTS' NEW BOOKS

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Prospect in the Future. By Major E. S. May, R. A. With plans and filustrations. 12mo. Cloth. \$1.25. The book gives an account of the united ac-

tion of cavalry and artillery as illustrated by examples from military history, the principles which underlie their training together in the past, and the tactics which should be adopted to insure their due co-operation in the future. The lessons of war will also be studied and examined with a view to what they may teach us in the present day. The work will be illustrated with diagrams of various battles and actions, portraits of distinguished cavalry and artillery leaders, and several battle pictures.

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APPLETONS' POPULAR SCIENCE MONTHLY.

JUNE. The Metric System. HERRERT SPENCER. A criticism of this much-lauded system point-ing out the superior advantages of a duodecimal arrangement.

Principles of Taxation, II. Part V. Hou, DAVID A. Welliss, Describes taxation in Egypt, both before and after the reforms introduced by England, The Monetary Problem. LOGAN G. Mc-Showing how the experience of other countries might be used to advantage by the United States.

Woman and the Ballot. Ather B. Tweeny. A reply to an article on this subject in the May number.

Other articles: How the Great Lakes were Other articles; how the Great Lakes were Built inharmated; Hr. Norsen's Throwing Sitk"; Coordination of our Educational Institutions; Free and their Less Bushrated; Why Frogras as by Leans, Posthyphotic and Criminal Suggestion; The Soldernahean Hiver Midrel dimarrated; Our Southern Mocker; Saction of James Hythe Hogers with Fortratt, Correspondence; Filter's Table; Scientific Literature; Fragments of Science.

aged it years son of Cornella White and the late lieury is Butler, Jr.

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